



Minnesota District Court (Carver County)
Civil and criminal case files

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3046
No. 5

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Mary Zahler.

Plaintiff

vs.

Minneapolis & St. Louis R.R. Co.

Defendant

Odell & Odell

Plaintiff's Atty.

John J. Dille

Defendant's Atty.

Date of Entry Sept. 17 1906

Register of Actions D. Page 463

Term Tried September 1906

Judgment for Plaintiff

Amount of Judgment, \$ 197.29

Date of Judgment Dec. 10th 1906

Judgment Book D. Page 237

Default Judgment Book Page

Date of Docketing Dec. 10, 1906

B page 89

State of Minnesota,)
County of Carver.) ss.

I hereby certify and return, that at the Minneapolis & St. Louis Depot in the City of Chaska County and state aforesaid on the 16th day of June A.D.1906. I served the Summons and Complaint hereto attached upon the within named Minneapolis and St. Louis Railroad Company, Defendant by then and there personally handing to and leaving with one C.D.Gotey, then and there the acting ticket and Freight agent for the within named defendant company, a true and correct copy of said Summons and complaint.

Dated this 16th day of June 1906.

Sheriff's fees service \$1.00
Mileage..... 20
Total.....\$1.20

G. A. Gotey
sheriff of carver county Minn.

STATE OF MINNESOTA

DISTRICT COURT

County of Carver

Eighth Judicial District

Mary Zahler

Plaintiff

vs

SUMMONS

The Minneapolis & St. Louis Railroad Company

Defendant

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to serve your answer to the complaint of the plaintiff in the above entitled action, which complaint is hereto attached and served upon you, by copy, on the subscribers at their office in the City of Chaska in the County of Carver and State of Minnesota within twenty days after service of this Summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiff in this action will apply to the Court for the relief demanded in said complaint, together with the costs and disbursements herein.

Odell & Odell

Attorneys for Plaintiff,

Chaska, Minn.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

-----::-----
Mary Zahler

Plaintiff

vs

The Minneapolis & St. Louis Railroad Company

Defendant
-----::-----

Said plaintiff for her complaint in the above entitled action respectfully states and shows to the Court:

(1). That said plaintiff is and for more than twenty years past has been the owner in fee and in possession of that certain tract or parcel of land situate in said County of Carver and known and described as follows, viz: The northwest quarter of Section No. Seventeen (17) of Township No. 116 north of Range No. 24 west, and during all of said time has used and occupied the same as a dairy and stock farm, and in the prosecution of such business has yearly raised and kept upon said farm a large number of head of milch cows and other stock.

(2). That said defendant is a railroad corporation duly organized and incorporated under and by virtue of the laws of the State of Minnesota, and during all of said time has owned and operated and now owns and operates a line of railroad extending from the City of Minneapolis westerly through the Counties of Hennepin, Carver, Sibley, Kenyon, Redwood, Yellow Medicine and Lac Qui Parle in said State to the state line and thence to Watertown in the State of South Dakota.

(3). That defendant's said line of railroad is located and constructed in part upon and across plaintiff's said premises and crosses the north half of said farm from the east to the west line thereof.

(4). That upon plaintiff's said farm and in the north half thereof is a natural depression containing, to-wit, fifteen acres into which in ordinary seasons flows surface water coming upon said farm from rainfalls and melting snows and flowing thereto

from adjoining high lands, and extending from said depression in a northerly direction to the north line of said farm and from thence in a northerly direction to what is commonly known as Six Mile Creek is a natural watercourse with a well defined channel into and through which the water so flowing into said natural depression upon plaintiff's said farm, before the acts of said defendant hereinafter complained of, was accustomed to flow and find an out-let and said natural watercourse constitutes and is the natural and only drainage for plaintiff's said farm and for several hundred acres of land lying to the south of defendant's said line of railroad.

(5). That in building its said line of railroad across plaintiff's said premises said defendant constructed the same upon an embankment several feet in height skirting the natural depression so upon plaintiff's said premises along the north line of said depression and crossing said natural watercourse at or near the point where the water from said natural depression enters the same, and in said embankment where the right of way of said railroad crosses said natural watercourse put in an open culvert for the unobstructed flow of the water through said natural watercourse.

(6). That in, to-wit, the year 1894 said defendant filled up the open culvert so put in said embankment at the time its said railroad was constructed, and, in place thereof, constructed in its said embankment at the place where said railroad crosses said natural watercourse a stone box culvert. That said stone box culvert is not of sufficient capacity and of sufficient depth to permit the water coming into said natural depression upon plaintiff's said premises as aforesaid in times of ordinary rainfall to flow therefrom into and through said natural watercourse, and defendant's said railroad as constructed over and across plaintiff's said premises with said stone box culvert in the embankment thereof at the place where said railroad crosses said natural watercourse hinders and prevents the water coming upon plaintiff's said premises as aforesaid in times of ordinary rainfall from flowing off from said premises through said natural out-let, and dams up and holds such water back and causes the same to accumulate and stand upon plaintiff's said premises and become foul and stagnant, and plaintiff alleges and charges the fact to be that in constructing said culvert in said embankment said defendant wrongfully, negligently, unreasonably and unnecessarily built

a culvert of insufficient capacity and with the bottom thereof too high to convey the water coming into said natural depression upon plaintiff's said premises in times of ordinary rainfall as aforesaid through its natural channel across the right of way of defendant's said railroad, and because thereof water which would otherwise have flowed from plaintiff's said premises through said natural watercourse and outlet was dammed up and caused to accumulate and stand upon plaintiff's said premises entirely submerging, to-wit, fifteen acres thereof, to the depth of several inches and to such an extent as to render the same too wet for pasturage or any beneficial use whatever for and during the farming seasons of 1902, 1903, 1904, 1905 and 1906, and in consequence thereof plaintiff was deprived of and lost the use of that portion of her said farm during the seasons aforesaid to her great loss and damage.

(7). That that portion of plaintiff's said farm which was so rendered unfit for use by reason of the accumulation thereon of water as aforesaid is ordinarily, and but for the negligent and unreasonable manner in which said culvert was constructed as aforesaid would have been during all the seasons aforesaid, fine pasturage for cattle and of great value to plaintiff's said farm and because of the accumulation of water thereon as aforesaid during the years aforesaid the rental value of said premises was depreciated in the sum of, to-wit, three hundred dollars per year to plaintiff's damage in, to-wit, the sum of fifteen hundred dollars.

(8). That the water standing upon plaintiff's said premises as aforesaid has caused the sod and turf of, to-wit, three acres of said premises to decay and so much of said premises of the value of, to-wit, three hundred dollars, has become and is permanently worthless to the damage of said plaintiff in said sum.

Wherefore plaintiff demands judgment against said defendant for the sum of eighteen hundred dollars, together with her costs and disbursements herein.

Odell & Odell
Attorneys for Plaintiff.
Chaska, Minn.

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Mary Zahler

Plaintiff

vs

The Minneapolis & St. Louis Railroad Company

Defendant

State of Minnesota

ss

County of Carver

Mary Zahler, being first duly sworn, says that she is the plaintiff in the above entitled action; that she has read the foregoing complaint and knows the contents thereof, and that the same is true of her own knowledge except as to matters therein stated on her information and belief, and as to those that she believes it to be true.

Subscribed and sworn to before me
This 15th day of June A.D. 1906.

Mary Zahler

W. D. Deere

Notary Public, Minn.

My commission expires July 18, 1907.

ORIGINAL.

State of Minnesota,

County of Carver

District Court.

Mary Gahler Plaintiff,
vs.

The M. & L. R. Co. Defendant.

Summons and Complaint

Due and personal service of the within
admitted
this.....day of.....19.....

CARVER COUNTY,
FILED
Attorney for
OCT 1 1906
H.O. Muehlberg Clerk

Osceol, Osceol,
Attorney for Pfff.
Chaska, Minn.

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(463)

State of Minnesota.
County of Carver.

District Court.
Eighth Judicial District.

Mary Zahler,

Plaintiff,

vs

The Minneapolis & St. Louis

Railroad Company, Defendant.

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ANSWER

Comes now the defendant, and for answer to plaintiff's complaint denies each and every allegation therein contained not herein specifically admitted.

The defendant admits,

First,- That it is a railroad corporation duly organized and existing under and by virtue of the laws of the State of Minnesota, and during all of the times mentioned in the complaint owned and operated and still owns and operates a railroad extending from the City of Minneapolis westerly through the Counties of Hennepin, Carver, Sibley, Renville, Redwood, Yellow Medicine and Lac Qui Parle in said State to the state line and thence to Watertown in the State of South Dakota.

Second,- That defendant's line of road is constructed across the lands described in plaintiff's complaint, and at points on said land the grade of the roadbed is above the surface of the ground, and that defendant has constructed on said land under said roadbed a stone box culvert to allow the water on said premises to cross its track and right of way.

As to whether plaintiff is the owner of the land described in the complaint, defendant has neither knowledge nor information sufficient to form a belief, and therefore denies the same.

WHEREFORE, the defendant asks judgment for costs.

Geo W Sevens
General Counsel

John I Dill
Attorney for Defendant.

STATE OF Minnesota } ss.
County of Hennepin

H. G. Kelley being duly sworn
says that he is the Chief Engineer of the MINNEAPOLIS & ST. LOUIS
RAILROAD COMPANY, the defendant in the above entitled action;
that he has read the foregoing answer and knows the contents thereof and that
the same is true of his own knowledge except as to those matters therein stated on information and belief and
as to those matters that he believes it to be true. That the reason why this verification is not made by some
officer of said company is that all of the officers of said company
are absent from the County of Hennepin wherein resides affiant its attorney.

Subscribed and sworn to before me this 5th

day of July

1909

Armed C. Gussner
Notary Public, Hennepin County, Minn.

[SEAL]

My commission expires Aug. 20, 1909.

STATE OF _____ } ss.
County of _____

being duly sworn
says that on the _____ day of _____ 190____ at _____
he served the within _____ upon _____
the _____ in said action personally by _____ leaving with
said _____ at _____ with _____
a person of suitable age and discretion, then _____
a true and correct copy of said _____

Subscribed and sworn to before me this _____ day of _____ 190____

Notary Public, _____ County _____

[SEAL]

#1348
Original

STATE OF Minnesota
County of Carver
District COURT.

Mary Zahler

Plaintiff

vs.
The Minneapolis & St. Paul
R.R. Co.

Defendant

Answer

Due service of this within by copy is hereby
admitted at Chaska

this 6th
day of July A. D. 1906
Carl H. Hulse

Attorney for

John J. Dill
ALBERT E. CLARKE

1104 Guaranty Loan Building,
Minneapolis, Minn.

Attorney for

Defendant

CARVER COUNTY, MINN.

FILED

SEP 20 1906

H. D. Muehlberg Clerk

(463)

State of Minnesota, } DISTRICT COURT,
COUNTY OF Carver } 8th Judicial District.

Mary Zahler Plaintiff,
against
The Minneapolis & St. Louis Railroad Co Defendant.

We, the Jury in the above entitled action, find a verdict in favor of the
Plaintiff and assess her damages at the sum of
One hundred fifty Dollars,
J. B. Johnson Foreman.

ated at Chaska this 3rd day of
October 1906

State of Minnesota,
County of Carver
DISTRICT COURT,
8th Judicial District.

Mary Zaher
Plaintiff ,
against

The Minneapolis
St Louis Ry Co
Defendant .

VERDICT.

Filed Oct. 3rd 1906

H.O. Muehlberg
Clerk.

By _____ Deputy.

(463)

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver.

Eighth

Judicial District.

Mary Zahler

No. 5.

Plaintiff

Against

List of Jurors.

The Minneapolis & St. Louis
Railroad Company

Defendant

Attorneys Mark Here

NAMES

REMARKS

1 F. J. Truwer
 2 Fred Finck
 3 Gust Kurtig
 4 Adolph Splittstorsser
 5 ~~And. Du. Loit~~ X 1
 6 Henry Buesgens
 7 Geo. Goodridge
 8 C. J. Smith
 9 J. W. Johnson
 10 Andrew Mattison
 11 G. Volkenant
 12 William Schirer
 13 Casper Kapp

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No.

STATE OF MINNESOTA,

County of *Carver*

DISTRICT COURT.

Mary Zahler

Plaintiff

Against

*Minneapolis & St. Louis
Railroad Company*
Defendant

JURY LIST.

CARVER COUNTY,
FILED

OCT 3 1906

H. O. Muehlberg Clerk.

PIONEER PRESS CO., ST. PAUL, MINN.

(463)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Mary Zahler

Plaintiff

vs

The Minneapolis & St. Louis Railway
Company, a corporation

Defendant

This cause having been duly brought on for trial in its regular order upon the calendar at the General Term of said Court held at the Court House in the City of Chaska in said County of Carver commencing on the 24th day of September A.D. 1908 before a jury duly empaneled and sworn; and the jury having on the 3rd day of October 1908 duly returned its verdict therein in favor of said plaintiff and against said defendant.

Now, On motion of Odell & Odell, attorneys for said plaintiff, It is Ordered, Adjudged and Determined that plaintiff have and recover from said defendant her damages in the sum of One Hundred and Fifty Dollars, together with her costs and disbursements taxed and allowed at the sum of Forty Five and 83/100 Dollars, and that she have execution therefor.

By the Court.

H. O. Muehlberg
Clerk.

Damages --	\$150.00
Interest	1.40
Costs etc.	45.83
Total	197.23

District Court
Carver County

Manly Zahler

- vs. -

M. & St. L. Ry. Co.

Judgment

CARVER COUNTY,
FILED

DEC 10 1906

H. O. Muehlberg, Clerk.

Odell & Odell
Attys. for Plff.
(463)

No. 3043.

(57)

DISTRICT COURT,

Eighth Judicial District,
County of Cannon

Mary Zahler - Pff

- vs -

The Minneapolis & St. Louis
Railroad Company - Def

NOTE OF ISSUE

Issue of Fact
LAST PLEADING SERVED

June 7 1906

Odece & Odece
Attorney for Plaintiff

John J. Dille
Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the September
A. D. 1906 General Term
of this Court.

Yours respectfully,

Odece & Odece

Attorney for Pff

Filed Sept 17th 1906

MILLER-DAY'S PRINTING CO., MINNEAPOLIS

(463)

state of Minnesota.
county of Carver.

District Court.
Eighth Judicial District.

Mary Zahler,

Plaintiff,

vs

The Minneapolis & St. Louis

Railroad company, Defendant.

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ANSWER

Comes now the defendant, and for answer to plaintiff's complaint denies each and every allegation therein contained not herein specifically admitted.

The defendant admits,

First,- That it is a railroad corporation duly organized and existing under and by virtue of the laws of the State of Minnesota, and during all of the times mentioned in the complaint owned and operated and still owns and operates a railroad extending from the City of Minneapolis westerly through the Counties of Hennepin, Carver, Sibley, Renville, Redwood, Yellow Medicine and Lac Qui Parle in said State to the state line and thence to Watertown in the State of South Dakota.

Second,- That defendant's line of road is constructed across the lands described in plaintiff's complaint, and at points on said land the grade of the roadbed is above the surface of the ground, and that defendant has constructed on said land under said roadbed a stone box culvert to allow the water on said premises to cross its track and right of way.

As to whether plaintiff is the owner of the land described in the complaint, defendant has neither knowledge nor information sufficient to form a belief, and therefore denies the same.

WHEREFORE, the defendant asks judgment for costs.

Geo. W. Lewis
General Counsel

John M. Dille
Attorney for Defendant.

STATE OF Minnesota } ss.
County of Hennepin

H. G. Keen being duly sworn
says that he is the Chief Engineer of the MINNEAPOLIS & ST. LOUIS
RAILROAD COMPANY, the defendant in the above entitled action;
that he has read the foregoing complaint and knows the contents thereof and that
the same is true of his own knowledge except as to those matters therein stated on information and belief and
as to those matters that he believes it to be true. That the reason why this verification is not made by some
officer of said company is that all of the officers of said company
are absent from the County of Hennepin wherein resides affiant its attorney.

Subscribed and sworn to before me this 5th day of July 1906.

Arnold L. Gummer
Notary Public Hennepin County Minn.



my commission expires Aug 30 1909

STATE OF _____ } ss.
County of _____

_____ being duly sworn
says that on the _____ day of _____ 190____, at _____
he served the within _____ upon _____
the _____ in said action personally by _____ leaving with
said _____ at _____ with _____
_____ a person of suitable age and discretion, then _____
a true and correct copy of said _____

Subscribed and sworn to before me this _____ day of _____ 190____

Notary Public, _____ County _____

[SEAL]

copy

STATE OF Minnesota
County of Dakota
District COURT.

Mary Zuhler Plaintiff
vs.
The Minneapolis & St. Louis
R.R. Co. Defendant

Answer

Due service of the within by copy is hereby
admitted at

this
day of _____ A. D. 190

6/7/06

Attorney for
John D. Rice
ALBERT E. CLARKE

1104 Guaranty Loan Building,
Minneapolis, Minn.

Attorney for defendant

THE MINNEAPOLIS & ST. LOUIS RAILROAD COMPANY.

EXECUTIVE DEPARTMENT.

St L 2991.

L. F. DAY,
Vice-President & General Manager.

Minneapolis, Minn., May 15-1906.

*Reffs Ex
B*

Mr. Eugene Zahler,
Waconia, Minnesota.

Dear Sir:

I am in receipt of yours of the 14th instant, relative to the raising of a culvert on our right-of-way, where it passes your land.

I have referred the matter to our Chief Engineer, with instructions to give it the necessary attention.

Yours truly,

L. F. Day

them to give it the necessary attention

I have referred the subject to the Chief Engineer, who is now

keeping of a copy of our report, and it seems now that

I am in receipt of your letter of the 11th inst., relating to the

Dear Sir:

Receipt of your letter

Mr. Eugene Smith

~~Chassis duto~~
~~is not deep enough~~

WPA 12-1000

of 1927

The Minneapolis & St. Louis Railroad Co.

Charles Cook 1906

For valuable consideration, I hereby assign and convey to the Minneapolis & St.

Louis Railroad Co., all fees for mileage and attendance due me in the suit of

Mary Zolner vs.

the MINNEAPOLIS & ST. LOUIS RAILROAD COMPANY, in

District Court, at Chicago

on Sept 26 1906

Wm. Swenson
Carl Swenson
W. S. Wheeler
Al. Graber
W. Dixon
Martin Swenson

The Minneapolis & St. Louis Railroad Co.

Sept. 27 1906

For valuable consideration, I hereby assign and convey to the Minneapolis & St.

Louis Railroad Co., all fees for mileage and attendance due me in the suit of

Mary Gabler vs.

the MINNEAPOLIS & ST. LOUIS RAILROAD COMPANY, in

district Court, at Chicago

on Sept. 26 1906

John Winkler

The Minneapolis & St. Louis Railroad Co.

Oct 2, 1906

For valuable consideration, I hereby assign and convey to the Minneapolis & St.

Louis Railroad Co., all fees for mileage and attendance due me in the suit of

Mary Zahler vs.

the MINNEAPOLIS & ST. LOUIS RAILROAD COMPANY, in

District Court, at Chaska

on Sept 26 1906
George Krauthamer

(#185)

Geo. D. Barnard & Co., Pres., St. Louis.

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT, No. 2402
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO

John Winkler

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the *27th* day of *September* *1906* A. D. ~~189~~, at *10* o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

Mary Zahler

plaintiff....., and

M. & S. L. R. R. Co.

defendant..... on

the part of the *D. J. H.* and remain in attendance till said cause is disposed of; and for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. *P. W. MORRISON* Judge of said Court, at Chaska, this *26th* day of *September* A. D. *1906* ~~189~~

Seal

H. O. Muehlberg Clerk.

Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

245-
185-
430

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpoena on the within named
John Winickel by reading said Subpoena to him in his
presence, in County and State aforesaid, on this 26th day of Sept 1906

G. A. Gatz
Sheriff of Carver County.

Fees 1.90 By John Horber Deputy Sheriff.

Received from agent
#375

No.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

Mary Zahler

185

AGAINST

M. & St. L. Ry Co

SUBPENA.

Issued

Sept 27 1896

H. O. Muehlberg

Clerk District Court.

RETURNED AND FILED

Oct 12th 1896

H. O. Muehlberg

Clerk.

On part of

Deft

(#245)

Geo. D. Barnard & Co., Prs., St. Louis.

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT, No. 2401
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO

George Krautbauer

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the 27th day of September A. D. 1906, at 10 o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

Mary Zahler

plaintiff....., and

W & S L R R Co.

defendant..... on

the part of the Def. and remain in attendance till said cause is disposed of; and for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. P. W. MORRISON, Judge of said Court, at Chaska,
this 26th day of September A. D. 1906.

Seal

H. O. Muehlberg

Clerk.

Attorney.

STATE OF MINNESOTA, }
CARVER COUNTY. } ss.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpœna on the within named
George Krauthamer by reading said Subpœna to him in his
presence, in County and State aforesaid, on this 27th day of Sep 1906

G. A. Gatz

Sheriff of Carver County.

Fees

3.50

By

John Horner

Deputy Sheriff.

No.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

245 Mary Gahler

AGAINST

M. & St. L. Ry. Co.

SUBPENA.

Issued

Sept. 27th 1906
H. O. Muehlberg
Clerk District Court.

RETURNED AND FILED

Oct. 12th 1906
H. O. Muehlberg
Clerk.

On part of

Sept

Zahler - vs - M. & St L. Ry Co

BROWN, TREACY & SPERRY CO.,
CONGRESSIONAL LIBRARIAN,
ST. PAUL, MINN.

Sept 27/06

1			
2			
3	Al. Graber	Minneapolis	4 days
4	J. P. Hession	Excelsior	"
5	W. D. Wheeler	Mpls	"
6	Martin Swenson	"	"
7	Joel Swenson	"	"
8	Wm Swenson	"	"
9	John Winkel	Laxetown	1 day
10	Geo. Krautbauer	"	3 "
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3047

No. 4.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

Peter Van Sloun
Plaintiff

vs.

Leonard Van Sloun, et al.
Defendants.

Odell + Odell
Plaintiff's Atty.

Thos. J. Craven
Defendant's Atty.

Date of Entry 190
Register of Actions, *D.* Page *464.*
Term Tried *September* 1906
Judgment for *Plaintiff*
Amount of Judgment, \$ *34.37*
Date of Judgment *Nov. 19th* 1906
Judgment Book *D.* Page *234*
Default Judgment Book Page
Date of Docketing *Nov. 19th* 1906

No. 3043.

4.
DISTRICT COURT,

Eighth Judicial District,

County of Carver

Peter Van Sloun
vs - P46.

Leonard Van Sloun, Joseph
Van Sloun and Marten Van Sloun
Defts.

NOTE OF ISSUE

Issue of Fact
LAST PLEADING SERVED

March 1906

Ozell & Ozell
Attorney for Plaintiff

J. F. Crauer
Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the September
A. D. 1906 General Term
of this Court.

Yours respectfully,

Ozell & Ozell
Attorneys for P46

Filed Sept 17th 1906

MILLER-BAYIS PRINTING CO., MINNEAPOLIS
(464)

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District

Peter Van Sloun

Plaintiff

vs

Leonard Van Sloun, Joseph Van Sloun
and Martin Van Sloun

Defendants

Said plaintiff for his complaint in the above entitled respectfully states and shows to the court:

(1). That he is the owner and entitled to the immediate possession of that certain personal property which is described as follows, that is to say: 1 heavy double chain harness with brass trimmings; 1 heavy double chain harness with brass trimmings and housings; 1 double buddy harness; 1 double-barreled, 12 gauge, shot gun; 1 pair of black leather fly-nets; 1 pair of heavy horse blankets; and, 1 sulky.

(2). That the same, all and singular, and the possession thereof, are wrongfully and unlawfully detained from said plaintiff by said defendants in said County and State. That said plaintiff has demanded and caused to be demanded of said defendants the delivery and possession thereof before the commencement of this action, but said defendants have refused and still refuse and neglect to deliver the same, or any part of the same, to said plaintiff.

(3). That said personal property hereinbefore described is worth and of the actual value of \$128.00

Wherefore said plaintiff demands judgment against said defendants for the immediate return and possession of the property above described, or the sum of \$128.00, the value thereof, in case a delivery thereof cannot be had, and \$5.00 damages for the detention thereof, besides the costs and disbursements of this action.

W. C. M. Odell

Attorneys for Plaintiff,

Chaska, Minn.

State of Minnesota,
County of _____ } ss.

_____ being first duly sworn
upon oath says that he is _____ the _____ in the
foregoing within entitled action; that he has heard read the foregoing
that the same is true _____ of his own knowledge, except as to matters
therein stated on information and belief, and as to such matters he believes it to be true—to the best of
his knowledge, information and belief, and that the reason why this verification is not made by the
_____ herein is that said _____ is absent from
this County wherein resides this affiant, his attorney.

Subscribed and sworn to before me this _____ day of _____ 190_____
{ NOTARIAL }
{ SEAL }
Notary Public _____ County, Minnesota.

State of Minnesota,
County of Carr } ss.

District Court,
8th Judicial District

Peter Van Sloun Plaintiff.
against
Leonard Van Sloun, Joseph Van Sloun and
Martin Van Sloun Defendants.
SUMMONS.

The State of Minnesota to the above named Defendant &:

You and each of you are hereby summoned and required to answer
the Complaint of the Plaintiff in the above entitled action, which complaint is hereto annexed and here-
with served upon you, and to serve a copy of your answer to the said complaint on the subscriber &, at
their office, _____
in the City of Chaska, in the said County of Carr
within twenty _____ days after service of this summons upon you, exclusive of the day of such
service, and if you fail to answer the said complaint within the time aforesaid, the plaintiff in this
action will apply to the Court for the relief demanded in said complaint ~~have the amount Plaintiff~~
~~entitled to recover, ascertained by the Court or under its direction, and take judgment~~
~~against you for the amount so ascertained take judgment against you for the sum of~~
_____ Dollars, (\$ _____)
with interest at the rate of _____ per cent. per annum since the _____ day of _____ 190_____

together with Plaintiff's costs and disbursements herein.

Dated Feb. 21st 1906.

W. C. M. Odell
Plaintiff's Attorney &.

STATE OF MINNESOTA

County of Carver.

IN DISTRICT COURT,

Eighth Judicial District.

-----XX-----

Peter Van Sloun,

Plaintiff.

- VS. -

Leonard Van Sloun, Joseph Van Sloun

and Martin Van Sloun,

Defendants.

-----XX-----

Now comes said defendants and for their answer to the complaint in the above entitled action respectfully state and allege:

That said defendants deny the said complaint and each and every allegation matter and thing in said complaint contained and the whole thereof.

Wherefore defendants pray judgment that plaintiff take nothing by s action, that the property described in said complaint be returned, for defendants' costs and disbursements herein.

Thos. L. Coover,
Attorney for Defendants,
Chaska, Minn.

STATE OF MINNESOTA,

County of

Carver

District COURT.

Peter Van Sloun

Plaintiff.

Leonard Van Sloun et al

Defendant.

Answer (Original)

Due and personal service of the within

Answer

is hereby admitted

this *29th* day of *March*

A. D. 190*6*

Attorney for

Plaintiff

Attorney for

Defendants

CARVER COUNTY

Chaska, Minn.

FILED

C. F. GREENWOOD, MANKATO, MINN

SEP 25 1906

H. C. Mullberg, Clerk

(464)

State of Minnesota,

County of

ss.

being

first duly sworn upon oath, deposes and says, that at the
in said County and State, on the

19

he served the

upon

therein named, personally, by

leaving

at the house of the usual abode of said

with

a person of suitable

age and discretion, then resident therein, a true and correct copy of said

is to affiant well known to be the same

that said

State of Minnesota,)
County of Carver.) ss.

I hereby certify and return, that on the 12th day of March 1906, at the town of Chanhassen in the County of Carver in said State I served the within Bond in Chain and Delivery upon the within named defendants Leonard Van Sloun, and Martin Van Sloun by then there handing to and leaving with them personally a true copy of said Bond in Chain and Delivery
Dated this 14 day of March A.D. 1906
Sheriff's fee return \$2.00
Mileage.....\$.....

G. A. Gatz
Sheriff of Carver County Minn.
By John Hachen Deputy

State of Minnesota,)
County of Carver.) ss.

John Hachen being first duly sworn upon oath deposes and that at the Village of St. Bonifacius in the County of Hennepin and State of Minnesota, on the 12 day of March 1906. he served the within Bond in Chain and Delivery upon Joseph Van Sloun one of the Defendants therein named, personally by then and there handing to and leaving with him personally a true and correct copy of said Bond in Chain and Delivery that said Joseph Van Sloun is to affiant well known to be the person as the within named Joseph Van Sloun one of the Defendants.
Subscribed and sworn to before me, this 16th day of March 1906.
Sheriff's fee service \$1.00

W. H. Connolly
Notary public Carver County Minnesota.

MY COMMISSION EXPIRES FEBRUARY 15th, 1908.

State of Minnesota,
County of Carver

ss.

DISTRICT COURT,

Eighth

Judicial District.

Peter Van Sloun

Plaintiff

- 24 -
Leonard Van Sloun, Joseph Van Sloun and
Martin Van Sloun

Defendants

Know all Men by these Presents, That

Peter Van Sloun

as principal and

J. A. Maxwell and August Vogel

as sureties,

are held and firmly bound unto Leonard Van Sloun, Joseph Van Sloun
and Martin Van Sloun in the sum of

Two Hundred Fifty Six (256.00) Dollars, lawful money of the

United States, to be paid unto the said Leonard Van Sloun, Joseph
Van Sloun and Martin Van Sloun, their heirs, executors, administrators
or assigns, for which payment well and truly to be made, we jointly and severally
bind ourselves, and each of our heirs, executors and administrators, firmly by these
presents.

Sealed with our seals and dated this 20th day of February ¹⁹⁰⁶~~189~~

The condition of this obligation is such, that whereas an affidavit has been duly
made in this action that the said Defendants wrongfully detain from said Plaintiff
certain personal property therein described, of the value of One Hundred
Twenty Eight Dollars, and said Plaintiff claim the immediate delivery
of such property to him according to the statute in such case provided;

NOW THEREFORE, If the said Plaintiff shall prosecute said action with
effect, and said property shall be returned to said Defendants if a return shall be
adjudged, and payment shall be made to said Defendants of such sum as for any
cause may be recovered against the Plaintiff then this obligation shall be void;
otherwise to remain in full force.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this

20th day of February ¹⁹⁰⁶~~189~~ A. D.

Signed, Sealed and Delivered in Presence of

W. P. OdellW. C. BuellPeter van SlounJ. A. MaxwellAugust Vogel

Seal

Seal

Seal

Seal

State of Minnesota,
County of Carter } ss.

On this 20th day of February ¹⁹⁰⁶ A. D. ~~1899~~, before me, a
Notary Public within and for said County, personally appeared
Peter Van Sloun J. A. Maxwell and August Vogel
to me known to be the persons described in, and who executed the foregoing and within instrument, and
acknowledged that they executed the same as their free act and deed.

W. J. Deane

Notary Public, Minn.

My Commission expires July 18, 1907.

State of Minnesota,
County of Carter } ss.

J. A. Maxwell and August Vogel
being duly sworn, say, each for himself, that he is one of the sureties above named; that he is a resident
and freeholder of the State of Minnesota, and worth the amount of Two Hundred
and Fifty Six (256.00) Dollars, specified in the foregoing bond,
above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me, this
20th day of February ¹⁹⁰⁶ ~~1899~~
W. J. Deane
Notary Public, Minn.

J. A. Maxwell
August Vogel

(Original)

DISTRICT COURT,
Eighth Judicial District,
County of *Carver*

Peter Van Sloun
Plff.

- vs -

Leonard Van Sloun et al.
Defts.

BOND IN CLAIM AND DELIVERY.

I hereby approve the within Bond and
the sureties thereon.

Dated *Feb. 21, 1906* ~~1895~~

G. A. Gatz

Sheriff of *Carver* County, Minn.

W. B. & W. D. Deese

Plaintiff's Attorney

4-4-02-2000

CARVER COUNTY,
FILED

MAR 19 1906

H. O. Muehlburg

(464)

State of Minnesota,)
County of Carver.) ss.

I hereby certify and return, that on the 12th day of March 1906, at the town of Chanhassen in the County of Carver in said State I served the within Affidavit in Claim and Delivery upon the within named defendant's Leonard Van Sloun, and Martin Van Sloun by then there handing to and leaving with them personally a true copy of said

Affidavit in Claim and Delivery

Dated this 16 day of March A.D. 1906
Sheriff's fee return \$2.00
Mileage.....

G. A. Gatz
Sheriff of Carver County Minn.
By John Hocher Deputy

State of Minnesota,)
County of Carver.) ss.

John Hocher being first duly sworn upon oath deposes and that at the Village of St. Bonifacius in the County of Hennepin and State of Minnesota, on the 12 day of March 1906. he served the within Affidavit in Claim and Delivery upon Joseph Van Sloun one of the Defendants therein named, personally by then and there handing to and leaving with him personally a true and correct copy of said Affidavit in Claim and Delivery that said Joseph Van Sloun is to affiant well known to be the person as the within named Joseph Van Sloun one of the Defendants.

Subscribed and sworn to before me, this 16th day of March 1906.
Sheriff's fee service \$1.00

J. J. Houmally
Notary public Carver County Minnesota.

MY COMMISSION EXPIRES FEBRUARY 15th 1908

State of Minnesota, }
 County of Carnegie } ss.
 District Court,
Eighth Judicial District.

Peter Van Sloun }
 Plaintiff }
 -vs- }
Leonard Van Sloun, Joseph Van Sloun and Martin }
Van Sloun } Defendants }

State of Minnesota, }
 County of Carnegie } ss.
Peter Van Sloun

came before me personally, and being first duly sworn, says that he is

said Plaintiff in the above entitled cause; that the said Plaintiff is the owner and lawfully entitled to the immediate possession of that certain personal property to recover possession of which this suit is brought, and which is described as follows, that is to say:

1 heavy double Chain harness with brass trimmings;
1 heavy double Chain harness with brass trimmings
and housings; 1 double buggy harness. 1 double-bar-
reled, 12 gauge, shot gun. 1 pair of black leather fly-
nets; 1 pair of heavy horse blankets; and, 1 sulky

That the same is wrongfully detained from said Plaintiff by said Defendants at the Town of
Chanhassen in the County of Carnegie and State aforesaid; that the same has not been taken for a tax, assessment, or fine pursuant to a statute, or seized under an execution or attachment against the property of said Plaintiff

and that the actual value of the aforesaid property is One Hundred and
Seventy Eight (128.00) Dollars.

Subscribed and sworn to before me, this
20th day of February 1913

W. S. Osceola
 Notary Public, Minn.

Peter van Sloun

Original

DISTRICT COURT,

Eighth

Judicial District,

County of

Carver

Peter Van Sloun

Plaintiff

- vs -

Lemard Van Sloun et al

Defendants

AFFIDAVIT IN CLAIM AND DELIVERY

To the Sheriff of

Carver

County, State of Minnesota:

You are hereby required to take the property described in the within Affidavit from the Defendant in the within entitled cause, and deliver the same to the Plaintiff therein, according to law.

Dated *Feb. 21, 1906.* ~~1895~~

W. C. Muehlberg

Plaintiff's Attorney

4-4702-2000

CARVER COUNTY,
FILED

MAR 19 1906

H. O. Muehlberg

(464)

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District.

Peter Van Sloun,
-VS.-
Plaintiff

Leonard Van Sloun
Joseph Van Sloun and
Martin Van Sloun,
Defendants.

KNOW ALL MEN BY THESE PRESENTS, That Leonard Van Sloun Joseph Van Sloun and Martin Van Sloun as principals and John Bernstetel and John Suthermer as sureties are held and firmly bound unto Peter Van Sloun, plaintiff in the above entitled action, in the sum of Two Hundred Fifty Six Dollars, lawful money of the United States, to be paid unto the said Peter Van Sloun, his heirs, executors, administrators or assign, for which payment well and truly to be made, we jointly and severally bind ourselves, and each of our heirs, executors and administrators firmly by these presents

Sealed with our seals and dated this 1st day of March A.D. 1903.

The condition of this obligation is such that whereas an affidavit and bond has been made by said plaintiff in said action alleging that said defendants wrongfully detain from said plaintiff certain personal property therein described of the alleged value of one hundred and twenty eight dollars and said plaintiff claims the immediate delivery thereof, and whereas by an indorsement duly made by said attorneys for said plaintiff upon said affidavit the sheriff of said County by virtue of said papers seized all of the said personal property, and said defendants desire a return of said property to them according to the statute in such case provided:

NOW THEREFORE, If said property shall be delivered to said plaintiff if a delivery is adjudged, and if said plaintiff shall be paid such sum as for any cause may be adjudged against the defendants or either of them on this obligation shall be void; otherwise to remain in full force.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this 5th day of March A.D. 1903

Signed, Sealed and Delivered)
in presence of:

Thos. F. Gower

Halie Haged

Leonard Van Sloun (SEAL)

Joe Van Sloun (SEAL)

Martin Van Sloun (SEAL)

John Bernstetel (SEAL)

John Suthermer (SEAL)

STATE OF MINNESOTA

County of Carver

On this 15th day of March A.D. 1908, before me a notary public within and for said county, personally appeared Leonard Van Sloun Joseph Van Sloun Martin Van Sloun John Burselle and John Sutherland to me known to be the persons described in and who executed the foregoing instrument, and each acknowledged that he executed the same as his free act and deed.

Thos H Cavan

Notary Public within and for said County.

(My commission expires Aug. 16, 1908)

STATE OF MINNESOTA

County of Carver.

John Burselle and John Sutherland

being duly sworn say, each for himself, that he is one of the sureties above named, that he is a resident and freeholder of the State of Minnesota and with the sum and amount of two hundred fifty six dollars, specified in the foregoing bond, above his debts and liabilities, and exclusive of his property exempt from execution.

Subscribed and sworn to before me before me this 15 day of March 1908

Thos H Cavan

Notary Public Carver County Minn
(My commission expires Aug. 16, 1908)

John Burselle
John Sutherland

District Court
County of Carver

Peter Van Sluice

Leander Van Sluice

Joseph Van Sluice

Martin Van Sluice

Defendants, Carver County
Delaware, Ky.

I hereby appear and
Bonds are the same
dated this 10th day of March
1906. J. H. Gatz

Sheriff Carver County

CARVER COUNTY,
FILED

MAR 9 1906

H. O. Mueller

(464)

Thos. F. Gatz
attorney for Defendants
Peffy Ex Chaska Minn

CORPUS OF GILBERT
STATE OF MINNESOTA

(My commission expires Aug. 18, 1906)

CORPUS
NOTARY PUBLIC WITHIN AND FOR SAID

with the sum of two hundred fifty six dollars, specified in the
named, that he is a resident and freholder of the State of Minnesota and
being with amount say, each for himself, that he is one of the undersigned

STATE OF MINNESOTA

County of Carver.

Peter Van Sloun,

Plaintiff

- VS. -

Leonard Van Sloun
Joseph Van Sloun and
Martin Van Sloun,

Defendants.

DISTRICT COURT

Eighth Judicial District.

FILED
CARVER COUNTY

MAR 19 1908

To G.A.Gatz as Sheriff of Carver County, State of Minnesota:

Said defendants in said action hereby require a return
of the property seized by you on the papers issued in the said above en-
titled action

Dated this 15 day of March 1908

Thos F. Gaven
Attorney for Defendants.
Chaska, Minn

District Court
 Carver County
 State of Minnesota
 before me
 Peter Van Sloun
 Leonard Van Sloun
 Joseph Van Sloun
 Martin Van Sloun

Notice to Sheriff to
 turn property seized
 in claims and delivery
 herein
 Reffs
 Ex B

March 1906
 DISTRICT COURT
 CARVER COUNTY,
 FILED
 MAR 19 1906

H.O. Muehlberg
 (464)

Dated this 19th day of March 1906
 filed section
 of the property seized by and on the orders issued in the said above en-
 titled proceedings in said section hereby redemptive & return
 To G.V. Gage as Sheriff of Carver County, State of Minnesota:

Ourselves' return
 Affirmed for Delinquency.

STATE OF MINNESOTA,

DISTRICT COURT,

County of Carver

Eighth

Judicial District.

Peter Van Sloun

No. 1

Plaintiff

Against

List of Jurors.

Leonard Van Sloun et al.

Defendant

Attorneys Mark Here	NAMES	REMARKS
1	Chris Lobitz	
2	Adolph Spelttorener	
3	P. H. Simons	0 1
4	H. Mitschewsky	
5	Henry Buesgens	
6	J. B. Johnson	
7	George Siegle	
8	G. Volkmant	
9	Jacob Will	
10	A. J. Truwer	
11	H. Guedloff	
12	John Lobitz	
13	Casper Kapp	
14	Andrew Mattison	
15	Geo. Goodridge	
16		
17		
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29		
30		

No. 1

STATE OF MINNESOTA,

County of Carver

DISTRICT COURT.

Peter Van Sloun

Plaintiff

Against

Leonard Van Sloun

Defendant

JURY LIST.

CARVER COUNTY,

FILED

SEP 25 1906

H. O. Muehlberg

PIONEER PRESS CO., ST. PAUL, MINN.

(464)

VERDICT.

State of Minnesota,
County of Carver.

. District Court.
Eighth Judicial District.

Peter VanSloun,

Plaintiff,

against

Leonard VanSloun, Joseph VanSloun,
and Martin VanSloun,

Defendants,

We, the Jury in the above entitled action, find that the plaintiff
is the owner and entitled to the possession of the following described
property, to-wit:

One heavy double chain harness with brass trimmings;
One heavy double chain harness with brass trimmings and housings;
One light double harness;
One double-barrelled 12-gauge shot-gun;
One pair of black leather fly-nets;

~~One pair of heavy horse blinkers;~~

and One sulkey;

and that the said defendants wrongfully and unlawfully detain said pro-
perty from the plaintiff, and that the value of ~~all~~ such property is the
sum of One Hundred and Seventeen ⁰⁰/₁₀₀ Dollars.

Dated at Chaska, Minnesota, this 25th day of September, A.D. 1908.

A. J. Truvel
Foreman.

State of Minnesota
 County of Carver
 In District Court
 Peter Van Schoon
 - vs -
 Leonard Van Schoon
 et al.

AND MARTIN AUSTRIUM,
 LEONARD AUSTRIUM, JOSEPH AUSTRIUM,
 Defendants.

is the owner and entitled to the possession of the following described
 lot, the title in the above entitled action, and that the plaintiff

thereby, to-wit:

- One half of piece of land in Carver County, Minn.;
- One double-parcelled 12-acre spot-land;
- One light double harness;
- One heavy double chain harness with brass trimmings and horseing;
- One heavy double chain harness with brass trimmings;

Verdict

CARVER COUNTY
 FILED
 SEP 25 1886

H.O. Muehlberg

(464)

State of Minnesota, }
 County of Cannon } ss. Eighth Judicial District.
Peter Van Sloun }
Plaintiffs }
 -vs- }
Leonard Van Sloun, Joseph Van Sloun and }
Martin Van Sloun } Defendants

AMOUNT OF JUDGMENT OR VERDICT.

Amount of Judgment or Verdict, - - - - - \$
 Interest on same from the Plaintiff's day of 190 \$

COSTS AND DISBURSEMENTS.

Statutory Costs, - - - - - \$ 10.00
2 Affidavits, - - - - - \$.50
2 Acknowledgments, - - - - - \$.50
 Sheriff's Fees, - - - - - \$ 12.60
 Jury Fees, - - - - - \$ 3.00
 Clerk's Fees (to be taxed), - - - - - \$ 6.65
\$ 33.25

WITNESS FEES, VIZ:

(Give name of each Witness, Residence, Number of Days and Dates of Attendance and Number of Miles Traveled.)

NAMES	RESIDENCE	NO. DAYS ATTENDANCE	DATES OF ATTENDANCE	NO. MILES TRAVELED	
<u>Joseph Glatzel</u>	<u>Chaska, Minn.</u>	<u>1</u>	<u>Sept. 25, '06</u>	<u>2</u>	\$ <u>1.12</u>
					\$
					\$
					\$
					\$
					\$
					\$

The above Bill of Costs and Disbursements taxed and allowed at \$ 1.12

Dated November 19th 1906 Total Amount, \$ 34.37

H. O. Muehlberg
 Clerk.

AFFIDAVIT OF DISBURSEMENTS.

State of Minnesota, }
 County of Cannon } ss. W. C. O'Connell
 being duly sworn, says on oath, that he is one of the Attorneys of the Plaintiffs in the above entitled action; that the foregoing is a true and correct statement of the costs and disbursements of said Plaintiffs in the above entitled action, and that the foregoing items of disbursements, and each item thereof, have been actually and necessarily paid or incurred therein, by and on behalf of said Plaintiffs; and that each of the above named witnesses was a material witness for the said Plaintiffs in said action, and was duly sworn, and testified on the trial of said action, on behalf of said Plaintiffs. That each of said witnesses actually and necessarily traveled the number of miles above set opposite his name, in going from his said place of residence to, and returning to said place of residence from, the place of trial of said action, and for the purpose of so testifying, actually and necessarily attended said Court the number of days and on the dates hereinbefore stated; and that the residence of each of said witnesses is at the place above stated.

Subscribed and sworn to before me this

14th day of November 1906.

W. C. O'Connell

Notary Public, Cannon County, Minn.

W. C. O'Connell

NOTICE OF TAXATION OF COSTS.

State of Minnesota,

County of Cannon ss.

DISTRICT COURT,

Eighth

Judicial District.

Peter Van Sloun

Plaintiff.

-vs-

Leonard Van Sloun Joseph Van Sloun and
Martin Van Sloun

Defendants

Sir: Please Take Notice. That on the 19th day of November 1906
at 10 o'clock A. M., application will be made to H. O. Muehlberg Esq.,
Clerk of said Court, at his office in the County House in the City
of Chaska in the County of Cannon and State of Minnesota,
to have the within bill of costs and disbursements taxed and inserted in the judgment then and there to be
entered herein.

Dated Chaska, Nov. 14, 1906

Yours respectfully,

Odell & Odell

Attorneys for Plaintiff

To J. F. Craven, Esq.,
Attorney for Defendants.

ORIGINAL.

DISTRICT COURT,

Eighth Judicial District.

County of *Cannon*

Peter Van Sloun
Plff.

-vs-

Leonard Van Sloun et al.
Defts.

Notice of Taxation of Costs
and Bill of Costs and
Disbursements.

Due service of the within bill of dis-
bursements and affidavit to same, and
notice of taxation thereof, by delivery of
copy thereof, is hereby admitted this

14th day of *November*
190*6*, at *Chaska, Minn.*

Josh F. Gower

Attorney for *Defts.*

Filed this *19th* day of
November A. D. 190*6*.

H. O. Muehlberg
Clerk.

Osceola & Osceola
Atty. for Plff.

WILLER-DAVIS PRINTING CO., MINNEAPOLIS

STATE OF MINNESOTA
County of Carver

DISTRICT COURT
Eighth Judicial District

-----:-----
Peter Van Sloan

Plaintiff

vs

Leonard Van Sloan, Joseph Van Sloan and
Martin Van Sloan

Defendants
-----:-----

This cause having been duly brought on for trial before the court with a jury duly empaneled and sworn at the September A.D. 1908 General Term of said Court held at the Court House in the City of Chaska in said County and State, and the jury having found and returned its verdict wherein it found that the plaintiff was entitled to the recovery of the property mentioned in the complaint in said action, viz: 1 heavy double chain harness with brass trimmings, 1 heavy double chain harness with brass trimmings and housings, 1 light double harness, 1 double barreled 12 gauge shotgun, 1 pair of black leather fly nets, and 1 sulky, and that the value of said property was One Hundred and Seventeen Dollars (\$117.00).

Now, Therefore, On motion of Odell & Odell, attorneys for said plaintiff, it is hereby Adjudged and Determined, That plaintiff have and recover from said defendants the property hereinbefore mentioned, or, in case possession thereof cannot be obtained, his damages in the sum of One Hundred and Seventeen Dollars, the value thereof, with interest thereon from and after the 25th day of September A.D. 1908.

And, On like motion, It is further Adjudged and Determined, That plaintiff have and recover from said defendants his costs and disbursements herein taxed and allowed in the sum of \$34.37, and that he have execution therefor.

By the Court,

H. O. Muehlbrug
Clerk.

District Court
Carver County
Peter Van Sloun
Plff.

- vs -
Leonard Van Sloun
et al.
Def'ts.

Judgment

CARVER COUNTY,
FILED

NOV 19 1906

H. O. Muehlberg, Clerk.
(464)

Odell & Odell
Attys. for Plff.
Chas. H. Wein.

3048

No. 12.

DISTRICT COURT

CARVER COUNTY, MINNESOTA

J. August Schmidt, et al.
Plaintiff

vs.

Margaret Hawley
Defendant

Thos. F. Craven
Plaintiff's Atty.

O. F. Christensen
Defendant's Atty.

Date of Entry 190

Register of Actions *S.* Page *465*

Term Tried *September* 1906

Judgment for

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

STATE OF MINNESOTA

County of Carver

DISTRICT COURT

Eighth Judicial District.

J. August Schmidt, and
Magdalena Schmidt

Plaintiffs.

-VS.-

Margaret Hawley,

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You, Margaret Hawley, are hereby summoned and required to serve your answer to the complaint of the plaintiffs in the above entitled action, which complaint is hereto attached and herewith served upon you, by copy, on the subscriber at his office in the City of Chaska in the County of Carver and State of Minnesota, within twenty days after the service of this summons upon you, exclusive of the day of such service; and if you fail so to serve your answer within the time aforesaid the plaintiffs in this action

will apply to the Court for the relief demanded in said complaint, together with the costs and disbursements herein

Dated this 8th day of August 1906.

Thos. F. Craven
Attorney for plaintiffs
Chaska, Minnesota

STATE OF MINNESOTA
County of Carver.

DISTRICT COURT
Ninth Judicial District.

J. August Schmidt and
Magdalena Schmidt,

Plaintiffs

- VS. -

Margaret Hawley,

Defendant.

Said plaintiffs for their complaint in said above entitled action respectfully allege and shew to the Court:

1. That plaintiff J. August Schmidt together with said defendant are seized and possessed as tenants in common of the following described lands, to-wit:

Let Two (2) in Block Twenty One (21) in the City of Chaska County of Carver State of Minnesota, -according to the plat of said City of Chaska on file and of record in the Office of the Register of Deeds in and for said Carver County aforesaid.

That said plaintiff J. August Schmidt is seized and possessed in fee of undivided seventh parts of said lands and premises aforesaid; that said defendant Margaret Hawley is seized and possessed in fee of one undivided seventh part of said lands and premises aforesaid; and that said plaintiff Magdalena Schmidt is the wife of said plaintiff J. August Schmidt and as such wife has a contingent right of dower in six undivided seventh parts of said lands and premises aforesaid.

3. That no other person or persons whomsoever has or claims any right title or interest in, or lien upon said lands and premises aforesaid or any part thereof; and that said lands are free of all liens.

4. That said lands and premises aforesaid is of the cash value of one thousand dollars; and that said lands and premises aforesaid is so situated that partition thereof among the parties entitle thereto can not be had without great prejudice to the owners thereof.

WHEREFORE, Plaintiffs pray judgment for a sale of said lands and premises and a division of the proceeds derived from said sale between the said parties hereto according to their respective rights, after the payment of the costs and disbursements of this action; and for such other and further relief as shall be deemed by this Court just and equitable in the premises.

Thas F. Gaven
Attorney for plaintiffs,
Chaska, Minnesota.

STATE OF MINNESOTA

ss

County of Carver.

J. August Schmidt being first duly sworn upon oath says, that he is one of the plaintiffs in the foregoing within entitled action, that he has read the foregoing complaint knows the contents thereof and that the said complaint is true of his own knowledge, except as to matters therein stated on information and belief, and as to these matters he believes it to be true.

J. A. Schmidt

Subscribed and sworn to before me this 8th day of August 1908

J. H. Hovvelly
County Auditor
Carver Co. Minn.

State of Minnesota,
County of Hennepin } ss.

P. M. Burns being
City of St. Paul
first duly sworn upon oath, deposes and says, that at the 13th day of August 1906, he served the
in Hennepin County and State, on the 13th day of August 1906, he served the
within Summons & Complaint upon Margaret Hawley
the Defendant therein named, personally, by handing to and leaving
with said Defendant at the house of the usual abode of said
with a person of suitable
age and discretion, then resident therein, a true and correct copy of said Summons & Complaint
that said is to affiant well known to be the same
as the within named

Subscribed and sworn to before me this
14 day of Aug. 1906

P. M. Burns

Abel L. Bruce
Notary Public Hennepin County, Minn.

my Commission expires May 9, 1912

(Originals)

STATE OF MINNESOTA,

County of Carver

District COURT.

J. August Schmidt
and Magdalena Schmidt
Plaintiff.

vs.
Margaret Hawley
Defendant.

Summons & Complaint

Due and personal service of the within

CARVER COUNTY is hereby admitted
this FILED day of SEP

A. D. 1906 SEP 27 1906

H. O. Muehlberg Clerk.
Attorney for J

Thos F Craven
Attorney for Plaintiffs
Chaska Minn.

C. F. GREENWOOD, MANKATO, MINN

14 Exchange St
(465) St Paul

No. 3043.

(12.)

DISTRICT COURT,

Eghv Judicial District,
County of *Carver*

J. August Schmidt & S
Magdalena Schmidt
vs

Margaret Hawley

NOTE OF ISSUE

Issue of *Fact*
LAST PLEADING SERVED

Sept 7 190*6*

Thos F. Gower
Attorney for Plaintiff

O. J. Christensen
Attorney for Defendant

Will the Clerk please file this Note of
Issue, and enter the cause on the Calen-
dar for the *September*
A. D. 190*6* *General* Term
of this Court.

Yours respectfully,

Thos F. Gower
Attorney for *Plaintiff*

Filed *Sept 17th* 190*6*

MILLER-DAVIS PRINTING CO., MINNEAPOLIS

(465)

STATE OF MINNESOTA
 County of Carver
 J. August Schmitt and
 Magdalena Schmitt
 - VS. -
 Margaret Hawley,

NOTICE OF ENTRY (ORIGINAL)
 Plaintiff
 Defendant.

A.D. 1908
 this 8th day of September
 the service of the within Notice

DISTRICT COURT
 Eighth Judicial District.

Plaintiffs vs. Defendant

SIR: YOU WILL PLEASE TAKE NOTICE That the issues of fact in the above entitled action will be brought on for trial at the next General Term of the District Court aforesaid, appointed to be held in and for the County of Carver at the Court House in the City of Chaska in said County on the Twenty Fourth (24th) day of September A.D. 1908 at the opening of said Court on that day or as soon thereafter as counsel can be heard.

Yours respectfully, *Thos. F. Christensen*
 Attorney for said Plaintiffs
 Chaska, Minn.

O.F. Christensen, Esq.,
 Attorney for said Defendant.

STATE OF MINNESOTA
COUNTY OF CARVER
DISTRICT COURT.

J. August Schmiat
Magdalena Schmiat,
Plaintiffs.

VS

Margaret Hawley,
Defendant.

NOTICE OF TRIAL, (Original)

Due service of the within Notice
of trial is hereby admitted
this 27 day of September
A.D. 1906

Attorney for Defendant

CARVER COUNTY,

FILED

SEP 27 1906

A.O. Mullberg, Clerk.

(465)

T.F. Craven
Plaintiffs Atty

NOTICE OF TRIAL.
Dated at Osbeck, Minn., this 27th day of September 1906.
said Court on that day or as soon thereafter as counsel can be heard.
on the Twenty Fourth (24th) day of September A.D. 1906 at the opening of
Court of Carver at the Court House in the City of Osbeck in said County
Term of the District Court aforesaid, appointed to be held in and for the
space entitled herein will be present and for trial of the next General
SIR: YOU WILL PLEASE TAKE NOTICE that the parties of fact in the

3049
No. 16.

DISTRICT COURT
CARVER COUNTY, MINNESOTA

Sarah E. Wendt
Plaintiff

vs.

William Gremer
Defendant

Geo. E. Young
Plaintiff's Atty.

Thos. J. Craven
Defendant's Atty.

Date of Entry Sept 18 1906

Register of Actions, 2 Page 466.

Term Tried 190

Judgment for

Amount of Judgment, \$

Date of Judgment 190

Judgment Book Page

Default Judgment Book Page

Date of Docketing 190

STATE OF MINNESOTA
County of Hennepin

DISTRICT COURT,
Fourth Judicial District.

Sarah E. Wendt,
- VS.-
William Ziemer,
Plaintiff
Defendant.

-----XX-----
To the above named Plaintiff and to Geo. E. Young Esq., Attorney for
said Plaintiff in said above entitled action:

You, and each of you, will please take notice that the above named
defendant, William Ziemer, does hereby demand that the venue and place of
trial of the above entitled action be changed from the County of Hennepin
State of Minnesota, where said cause was commenced in said above named Court,
to the County of Carver State of Minnesota, where resides the said defend-
ant, upon the ground that at the time of the commencement of said action,
at the time of the service of the summons in said action upon said
defendant, the defendant did then and does still reside in said County of
Carver, State of Minnesota.

Said demand is made and based upon the affidavit of said defendant
hereto attached.

Dated this 30 day of September A.D. 1906

Thos. F. Craven
Attorney for said Defendant,
Chaska, Minnesota.

William Ziemer
Said Defendant.

STATE OF MINNESOTA
County of Hennepin

DISTRICT COURT
Fourth Judicial District.

Sarah E. Wendt,
-- VS. --
Plaintiff.

William Ziener,
Defendant.

State of Minnesota ss
County of Carver.

William Ziener, being first duly sworn, deposes and says, that he is the defendant in the above entitled action, that at the time of the commencement of said action, and at all times for more than five years next next immediately preceding the commencement of said action, and at the time of the service of the summons therein on defendant, said defendant then was and still is a resident of the said County of Carver, State of Minnesota; that at the time of the commencement of said action the county of said defendant's residence was and now is the said County of Carver aforesaid.

This affidavit is made as the basis of a demand that the venue and place of trial of said action be changed from said County of Hennepin, where said action was commenced, to the County of Carver, State of Minnesota, where said defendant resided at the time of the commencement of said action, and at the time of the service of the summons in said cause upon him, which summons was so served on, to-wit, the 1st day of September A.D. 1906.

William Ziener

Subscribed and sworn to before me
this 3rd day of September A.D. 1906.

J. B. Cunnolly
County Auditor
Carver Co. Minn.

1002 Young City for Plot
636 Temple Court
99314
(Original)

STATE OF MINNESOTA,

County of Stearns

District COURT.

Sarah E. Wendt
Plaintiff.

vs.
William J. Gerner
Defendant.

Affidavit & Notice for
Change of Venue.

Personal service of the within
summons is hereby admitted
this 17th day of Sept.

A. D. 1906
Geo. O. Young
Attorney for plaintiff

Thos. F. Craven
Attorney for Defendant
Stearns Minn.

O. F. GREENWOOD, MARSH, MINN.

A. E. ALLEN, Clerk,

466) By J. A. Cady

CARVER COUNTY,
FILED

SEP 18 1906

H. O. Muehlberg Clerk

State of Minnesota,

County of

being
first duly sworn upon oath, deposes and says, that at the
in said County and State, on the
within
the
with said
age and discretion, then resident therein, a true and correct copy of said
that said
upon
therein named, personally, by
at the house of the usual abode of said
a person of suitable
is to affiant well known to be the same

Form No. 61.

2M-1-4-06.

JURY.

(NOTE—Write FIRM name in title. Write NAMES of both Plaintiff's and Defendant's Attorneys.)

No.

District Court,
Carver
~~HENNING~~ COUNTY.

Sarah E. Weudt
AGAINST

William Ziemer

NOTE OF ISSUE.

Geo. E. Young
Attorney for Plaintiff.
Thos. A. Craver
Attorney for Defendant.

Will the clerk please file this note of issue
and enter the cause on the *General* Term
Calendar of said Court for the *44* day
of *March* 1907.

Yours, etc.,

Geo. E. Young
Attorney for *Plaintiff*

LAST PLEADING SERVED.

(466.)

No. 3050

DISTRICT COURT,
CARVER COUNTY, MINN.

State of Minnesota
Plaintiff.

Philip Rudis
Defendant.

Thos F. Craven
Plaintiff's Attorney,

Odell Odell
Defendant's Attorney.

Date of Entry Sept 25 1906

Register of Actions D Page 467

Term Tried Oct 1906

Judgment for.....

Amount of Judgment \$.....

Date of Judgment.....1

Judgment Book.....Page.....

Default Judgment Book.....Page.....

Date of Docketing.....1

STATE OF MINNESOTA,
COUNTY OF CARVER.

DISTRICT COURT.
EIGHTH JUDICIAL DISTRICT.

State of Minnesota,
against
Phillip Rudio, Defendant.

ORDER OVERRULING DEMURRER.

On the 25th day of September, A.D. 1906, at a General Term of the District Court duly held in and for said county of Carver, the Grand Jury returned an indictment charging the defendant in the above entitled action with the commission of the crime of an assault in the second degree, to which indictment the defendant thereafter interposed a demurrer upon the following grounds:

First. That more than one offence is charged in said indictment;

Second. Said indictment does not substantially conform to the requirements of the Statutes of the State in this; - the act charged as the offence is not clearly and distinctly set forth in ordinary and concise language and without repetition.

Messrs. Odell & Odell, Esquires, appeared as counsel for the defendant in support of such demurrer;

Thomas F. Craven Esquire, county attorney of said county, appeared on the part of the State.

On the morning of the 26th day of September, following, said demurrer came duly on for argument.

After hearing the arguments of counsel for the respective parties, duly considering all matters and things involved in said cause, and being fully advised in the premises, it is

O R D E R E D . That said demurrer so interposed to said indictment be, and the same hereby is, overruled.

R. M. Morrison
Judge of District Court.

MEMORANDUM.

I am of the opinion that the indictment does not charge two offences and is not subject to such objection so made to it. It might charge the commission of one offence in two different ways, in which case, in my judgement, the demurrer ought to be overruled.

R. M. Morrison, Judge.

State of Minnesota
County of Carver.
In and for the County of Carver.
State of Minnesota
County of Carver.
Philip Reder
Defendant.

Order overruling
Demurrer

CARVER COUNTY,
FILED
SEP 26 1906
H.O. Muehlberg, Clerk.
(467)

Second. Said indictment does not substantially conform to the first. That more than one offense is charged in said indictment: upon the following grounds: That to which indictment the defendant theretofore interposed a demurrer motion with the consideration of the value of an arrest in the second do- uth returned an indictment charging the defendant in the above entitled the District Court duly held in and for said county of Carver, the grand jury on the 25th day of September, A.D. 1906, at a general term of

State of Minnesota,
County of Carver,

District Court.
Eighth Judicial District.

State of Minnesota,
against
Phillip Rudio, Defendant.

We, the jury in the above entitled action, find the defendant,
an
Phillip Rudio, guilty of ~~the~~ assault in the third degree.

Dated at Chaska, Minnesota, this 5th day of October, 1906.

George Goodridge,
Foreman.

Dated at Chicago, Minnesota, this 24th day of October, 1906.

Philip Hutto, Victim of the assault in the third degree,

vs. the jury in the above entitled action, and the State of Minnesota.

Philip Hutto, Defendant.

Attorney

State of Minnesota.

County of Carver.

State of Minnesota.

CARVER COUNTY,
FILED

OCT 5 1906

H. O. Marshall, Clerk

(467)

Richard J. Marshall, District Attorney.

District Court.

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT, No. 2409
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO

H. H. Zimmerman, Dr. Knopf Line Drivers
In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the 5th day of October 1906, at 9 o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

State of Minnesota

plaintiff....., and

Philip Rudis

defendant.....on

the part of the State and remain in attendance till said cause is disposed of; and for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. P. W. MORRISON, Judge of said Court, at Chaska, this 4th day of October 1906 A. D. 1906

Seal

H. O. Muehlberg Clerk.

Attorney.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

Fees 1.00 By _____ Deputy Sheriff.

No. 2409

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

State of Minnesota

AGAINST

Philip Rudis

SUBPENA.

Issued *Oct 4* *1906*
189

H. O. Muehlberg
Clerk District Court.

RETURNED AND FILED

October 5th *1906*
H. O. Muehlberg Clerk.

On part of *State*

The State

vs

Philip Rudio,

The defendant asks the court to charge the jury as follows.

The evidence in this case shows that immediately preceding the act of the defendant constituting the assault charged against him in this case, Henry Zumborg, the person upon whom the assault is alleged to have been committed, was engaged in an angry altercation with one George Klein; that the relation of Master and Servant then and there existed between said George Klein and the defendant; And there is evidence reasonably tending to show that at the time defendant struck the blow which is charged as the act constituting the assault with which he is charged in this case said Henry Zumborg was engaged in committing an assault upon said George Klein, And I charge you as the law of this case that if at the time the defendant struck said Zumborg with the manner fork referred to in the evidence said Zumborg was engaged in the commission of an assault upon said George

Klein, and said defendant struck said blow in the lawful defense of said George Klein when there was reasonable ground to apprehend a design on the part of said Jernberg to commit a felony or to do some great personal injury to said George Klein, or to the defendant, and there was imminent danger of such design being accomplished then and in that case the assault so made by said defendant upon said Jernberg was justifiable and your verdict must be Not Guilty.

It is the law of this State that a servant may protect his master from an assault to the same extent that a party assaulted may protect himself.

State of Minnesota District Court
County of Carver. Eighth Judicial District

The State of Minnesota
against
Philip Rudin.

Comes now said defendant and demurs
to the indictment in the above entitled action and
for grounds of demurrer says:

1st: That more than one offence is charged in
said indictment

2nd: That said indictment does not substantially
conform to the requirements of the Statutes of the State,
in this, the act charged as the offence is not clearly
and distinctly set forth in ordinary and concise
language, and without repetition.

Adell & Adell

Attorneys for Defendant

District Court
County of Carver.

The State of Minnesota
against
Philip Rudis.

Deceit.

CARVER COUNTY,
FILED

SEP 26 1906

H. O. Muehlberg, Clerk

(467)

Adell & Adell
Attorneys for Defendant

State of Minnesota, } DISTRICT COURT,
County of Carver } September General Term, A. D. 1906.

In the Matter of the State of Minnesota
vs.

INDICTED FOR

Philip Rudis

Assault in 2^d degree

Know all Men by These Presents,

That we Philip Rudis as principal, and
Chas H Klein and Christ Klein
as sureties, all of the County of Carver and State of Minnesota, jointly
and severally acknowledge ourselves to owe and be indebted unto the State of Minnesota in the sum of
Two Hundred & Fifty (\$250⁰⁰) Dollars,
lawful money of the United States of America, to be levied of our respective goods and chattels, lands
and tenements, if default shall be made in the following conditions, to-wit:

The Condition of the Above Obligation is Such, That if the above bounden
Philip Rudis shall personally be and appear before
the District Court of the County of Carver in the State of Minnesota,
on the first day of the next term thereof, to be holden at the Court
in the City of Chaska in said County, on the
26th day of September A. D. 1906, and from day to
day of said term, and from term to term, and from day to day of each term thereafter, to answer to
an indictment found by the Grand Jury of said County on the 25th day
of September A. D. 1906, charging the said
Philip Rudis with the crime of
Assault in the second degree
and shall not depart the Court without leave, and shall abide the final order and sentence of the
Court in the premises, then this obligation to be void, otherwise to remain in full force and effect;
and with this we each acknowledge ourselves content.

Witness Our hands and seals this 25th day of September
1906.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Albert Meyer
J. A. Gatz

Philip Rudis

C. H. Klein

C. P. Klein

Seal

Seal

Seal

State of Minnesota, }
County of Carver } ss.

Be it Known, That on this 25th

day of September A. D. 1906, came before me personally
Philip Rudis C. H. Klein & C. P. Klein

to me well known to be the same persons who executed the foregoing bond, and each severally
acknowledged the same to be his own free act and deed.

Albert Meyer
Register of Deeds.

State of Minnesota,

County of

Carver

ss.

C. H. Klein & C. P. Klein

upon oath doth say, each for himself, that he is one of the sureties above named; that he is a resident and freeholder of and in the State of Minnesota, and worth the amount of Two Hundred & Fifty Dollars specified in the foregoing bond above his debts and liabilities, and exclusive of his property which is exempt from execution.

Subscribed and sworn to before me, on this

25th

day of

September

A. D. 1906.

Albert Meyer
Register of Deeds.

C. H. Klein

C. P. Klein

DISTRICT COURT,

County of Crow
September Term, 1906

The State of Minnesota
vs.

Philip Rudis

RECOGNIZANCE

OF

Philip Rudis

Defendant.

Chas. H. Klein

C. C. Klein

Sureties.

Filed this 25th

day of September

A. D. 1906

H. O. Muehlberg

(467) Clerk District Court.

No. 700.—Pioneer Press Co., St. Paul, Minn.

I hereby approve of the
within recognizance
and Sureties thereon
as correct and true

STATE OF MINNESOTA, } ss.
COUNTY OF CARVER.

DISTRICT COURT, No. 2408
EIGHTH JUDICIAL DISTRICT.

THE STATE OF MINNESOTA

TO *Lambert J. Dols, Martin Dols*

In the name of the State of Minnesota, we command you, that all business and excuses being laid aside, you, and each of you, appear and attend before the Judge of the said Court, at a Court to be held in the Court House in Chaska, in and for the County of Carver, on the *Fifth* day of *October* A. D. *1906*, at *9* o'clock in the forenoon, to testify in a certain action now pending in the District Court, then and there to be tried, between

State of Minnesota
Philip Rudis

plaintiff....., and

defendant.....on

the part of the *Dfndt* and remain in attendance till said cause is disposed of; and for failure to attend you will be deemed guilty of contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved.

WITNESS The Hon. *P. W. MORRISON*, Judge of said Court, at Chaska,

this *4* day of *October* A. D. *1906*

Seal

H. O. Muehlberg

Clerk.

W. C. Odell

Attorney.

STATE OF MINNESOTA, } ss.
CARVER COUNTY.

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

I HEREBY CERTIFY And return that I served the within Subpœna on the within named
Martin Dols & Lambert Dols by reading said Subpœna to him in his
presence, in County and State aforesaid, on this *6th* day of *Oct* *1906*

G. A. Gatz
Sheriff of Carver County.

Fees *320*

By _____ Deputy Sheriff.

No. 2408

DISTRICT COURT,
EIGHTH JUDICIAL DISTRICT.

STATE OF MINNESOTA,
COUNTY OF CARVER.

State of Minnesota

AGAINST

Philip Rudis

SUBPENA.

Issued

Oct 4th 1906

H. O. Muehlberg

Clerk District Court.

RETURNED AND FILED

Oct. 12th 1906

H. O. Muehlberg

Clerk.

On part of

Def't.

State of Minnesota,
County of **C a r v e r**

THE DISTRICT COURT,

ss.

Eighth Judicial District.

General Term, A. D. 190**6**.

THE STATE OF MINNESOTA, AGAINST **Philip Rudie**

Philip Rudie is

ACCUSED by the Grand Jury of the County of **Carver** and State of Minnesota,
by this Indictment, of the crime of **Assault In the Second Degree**

committed as follows:

The said **Philip Rudie**

on the **Twelfth** day of **September** A. D. 190**6**, at the **Township of Benton**
in the County of **Carver** and State of Minnesota, ~~did~~

being then and there armed with a weapon likely to produce grievous bodily harm, to wit a ~~sharp~~ sharp tined manure fork, commonly so called, a more particular description of said weapon being to the Grand Jury unknown, did, under circumstances not amounting to assault in the first degree, then and there wilfully, wrongfully and feloniously with said weapon force and arms and upon one Henry K Zumberg make an assault, and did then and there with said weapon strike out and wound him the said Henry K. Zumberg, with intent then and there had and entertained by him the said Philip Rudie to wound and inflict grievous bodily harm upon him the said Henry K. Zumberg

DAVID H. HILL
CLERK

JOHN J. HILL
CLERK

Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Minnesota.

Dated at **Chaska** in the County of **Carver** and State of Minnesota, this **Twenty Fifth** day of **September** A. D. 190**8**

John Kochmen
Foreman of the Grand Jury.

The following are the names of the Witnesses duly sworn and examined before the Grand Jury upon the findings of the above Indictment:

Eric Drems
John Knutz
Lambert Dols

